

Appendix B

Applicable Legislation

It is not expected that the fire risk assessor will have the skills of a legal expert. However, it is necessary for the fire risk assessor to have a good understanding of the applicability, principles, objectives and intent of the legislation under which the fire risk assessment is carried out, and of any associated legislation

Accordingly, the fire risk assessor should be able to;

- Generally determine the extent to which fire safety arrangements in premises are adequate and whether duty holders comply with the relevant fire safety legislation.
- Identify failures to comply with the specific legislation, particularly those that may lead to the commission of an offence.
- Within the action plan of the fire risk assessment, write a sufficient outline requirement for any measures required to achieve compliance with the relevant legislation.

To enable the fire risk assessor to carry out the above, the fire risk assessor should;

- Be aware of the relevant enforcing authority for the legislation under which the fire risk assessment is carried out.
- Be able to understand and interpret actions of enforcing authorities.
- Be able to interpret the requirements of the enforcing authorities as set out in notices.
- Be aware of the relevant requirements of the legislation in respect of fire risk assessment and the duties the legislation places on various persons.
- Be aware of any specific local acts relating to fire.
- Be aware of the nature of non-compliances that may occur.
- Be aware of the nature of the offences that may be committed.
- Be aware of the guidance that supports the legislation (see Appendix C).
- Be aware of the principles of prevention (as defined in the relevant European Directive).
- Be able to distinguish between the general fire precautions (fire safety measures) required by fire safety legislation and the process fire precautions required by health and safety legislation.

To enable the fire risk assessor to carry out an appropriate risk assessment they must have regard to legislative and regulatory requirements of the country in which the assessment is taking place.

Reference should be made to the following sub appendices:-

Appendix B1 – England and Wales
Appendix B2 – Scotland
Appendix B3 – Northern Ireland

These do not cover every eventuality and a competent assessor should be capable of identifying when other laws or regulations need to be considered.

Appendix B1 - England and Wales

- Have a good understanding of the Regulatory Reform (Fire Safety) Order 2005 (“the Fire Safety Order”).
- Be aware of which enforcing authority enforces the Fire Safety Order in any premises for which a fire risk assessment is carried out.
- Understand the meaning of the term “Responsible Person” and be able to identify the Responsible Person in premises for which a fire risk assessment is carried out.
- Understand the meaning of “Persons having control of premises” and be able to identify such persons.
- Understand the meaning of the term “Relevant Persons”.
- Understand the meaning of the term “General Fire Precautions”.
- Understand the manner in which the Fire Safety Order applies to premises.
- Be fully aware of the requirements of Article 9 of the Fire Safety Order in respect of risk assessment.
- Understand the relationship between the Fire Safety Order and the Dangerous Substances and Explosive Atmospheres Regulations 2002.
- Understand the relationship between the Fire Safety Order and licensing legislation.
- Understand the relationship between the Fire Safety Order and the Health and Safety at Work etc Act 1974.
- Understand the relationship between the Fire Safety Order and the Housing Acts.
- Understand the meaning of the term “Reasonably Practicable”.
- Understand the concept of proportionality of general fire precautions to risk.
- Understand the distinction between the failure to comply with the requirements of the Fire Safety Order and an offence under the Order.
- Understand the relevant requirements of the Health and Safety (Safety Signs and Signals) Regulations 1996.

Appendix B2 - Scotland

- Understand the relationship between Part 3 of the Fire (Scotland) Act 2005 (“the Act”) and the Fire Safety (Scotland) Regulations 2006 (“the Regulations”).
- Have a good understanding of the Act and the Regulations.
- Be aware of which enforcing authority enforces the Act and the Regulations in any premises for which a fire risk assessment is carried out.
- Understand the meaning of the term “Employer” and be able to identify the Employer in premises for which a fire risk assessment is carried out.
- Understand the meaning of “Persons having control of premises” and be able to identify such persons.
- Understand the meaning of the term “Relevant Persons”.
- Understand the meaning of the term “Relevant Premises”.
- Understand the meaning of the term “Fire Safety Measures”.
- Understand the manner in which the Act and the Regulations apply to premises.
- Be fully aware of the requirements of Part II of the Regulations in respect of fire risk assessment.
- Understand the relationship between the Act, the Regulations and the Dangerous Substances and Explosive Atmospheres Regulations 2002.
- Understand the relationship between the Act, the Regulations and licensing legislation.
- Understand the relationship between the Act, the Regulations and the Health and Safety at Work etc Act 1974.
- Understand the relationship between the Act, the Regulations and housing legislation.
- Understand the meaning of the term “Reasonably Practicable”.
- Understand the concept of proportionality of fire safety measures to risk.
- Understand the distinction between the failure to comply with the requirements of the Act or the Regulations and an offence under the Act.
- Understand the relevant requirements of the Health and Safety (Safety Signs and Signals) Regulations 1996.

Appendix B3 - Northern Ireland

- Understand the relationship between Part 3 of the Fire and Rescue Services (Northern Ireland) Order 2006 (“the Order”) and the Fire Safety Regulations (Northern Ireland) 2010 (“the Regulations”).
- Have a good understanding of the Order and the Regulations.
- Be aware of which enforcing authority enforces the Order and the Regulations in any premises for which a fire risk assessment is carried out.
- Understand the meaning of the term “Employer” and be able to identify the Employer in premises for which a fire risk assessment is carried out.
- Understand the meaning of “Persons having control of premises” and be able to identify such persons.
- Understand the meaning of the term “Relevant Persons”.
- Understand the meaning of the term “Relevant Premises”.
- Understand the meaning of the term “Fire Safety Measures”.
- Understand the manner in which the Order and the Regulations apply to premises.
- Be fully aware of the requirements of Part II of the Regulations in respect of fire risk assessment.
- Understand the relationship between the Order, the Regulations and the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003.
- Understand the relationship between the Order, the Regulations and licensing legislation.
- Understand the relationship between the Order, the Regulations and the Health and Safety at Work (Northern Ireland) Order 1978.
- Understand the relationship between the Order, the Regulations and housing legislation.
- Understand the meaning of the term “Reasonably Practicable”.
- Understand the concept of proportionality of fire safety measures to risk.
- Understand the distinction between the failure to comply with the requirements of the Order or the Regulations and an offence under the Order.
- Understand the relevant requirements of the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996.